

Dated: January 26, 2018



 Scott H. Gan, Bankruptcy Judge

Kenneth L. Neeley, 025899
 Christopher J. Dutkiewicz, 024962
 Dane C. Paulsen, 029225
 Nicholas T. VanVleet, 026933
NEELEY LAW FIRM, PLC
 2250 E. Germann Rd., Ste. 11
 Chandler, Arizona 85286
 Tel: 480.802.4647 | Fax: 480.907.1648
ECF@neeleylaw.com
Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In re:

 Chapter 13
 Case No.: 2:17-bk-06478-SHG

 Michael L. Merryman
 Shoenita M. Merryman,

**STIPULATED ORDER CONFIRMING
 THE ORIGINAL CHAPTER 13 PLAN**

Debtors.

This Original Chapter 13 Plan having been properly noticed out to creditors and all objections having been resolved,

IT IS ORDERED Confirming the Original Chapter 13 Plan of Debtors as follows:

(A) INCOME SUBMITTED TO THE PLAN. Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.

(1) Future Earnings or Income. Debtors shall make the following monthly Plan payments:

<u>Months</u>	<u>Payments</u>
1 - 60	\$2,300.00

The payments are due on or before the 8th day of each month starting July 8, 2017. Debtors are advised that when payments are remitted late, additional interest may accrue, which may result in a funding shortfall at the end of the Plan term. Any funding shortfall must be cured before the Plan is deemed completed.

The Debtors shall provide, directly to the Trustee, complete copies of their **federal** and **state** income tax returns for every year during the duration of your Chapter 13 Plan within 30 days of filing them. The purpose is to assist the Trustee in determining any change in Debtors' annual disposable income.

In re: Merryman
Case No.: 17-06478
 Page 1 of 5

1 (2) Other Property: None. In the event that other property is submitted, it shall be treated as
2 supplemental payments.

3 (B) **DURATION**. This Plan shall continue for 60 months from the first regular monthly
4 payment described in Paragraph (A)(1) above. If at any time before the end of the Plan period
5 all claims are paid, then the Plan shall terminate. In no event will the term of the Plan be
6 reduced to less than 60 months, exclusive of any property recovered by the Trustee, unless
7 all allowed claims are paid in full.

8 (C) **CLASSIFICATION AND TREATMENT OF CLAIMS**. Claims shall be classified as
9 listed below. The Plan and this Order shall not constitute an informal proof of claim for any
10 creditor. This Order does not allow claims. Claims allowance is determined by § 502 and
11 the Federal Rules of Bankruptcy Procedure. The Trustee shall receive the percentage fee on
12 the Plan payments pursuant to 28 U.S.C. § 586(e), then the Trustee will pay secured creditors
13 or allowed claims in the following order:

14 (1) Administrative Expenses.

15 (a) Attorney Fees: Neeley Law Firm, PLC shall be allowed total fees in the amount
16 of \$4,500.00. Counsel received \$690.00 prior to filing this case and counsel will
17 be paid \$3,810.00 through the Chapter 13 Plan by the Chapter 13 Trustee. All
18 services listed in paragraph (F)(1), except for adversary proceedings, are included
19 in the flat fee amount.

20 (b) Other Administrative Expenses. None.

21 (2) Claims Secured by Real Property. None.

22 (3) Claims Secured by Personal Property.

23 (a) U.S. Bank National Association, secured by a lien in a 2012 Jeep Grand Cherokee,
24 shall be paid a secured claim of \$11,879.71 with 5.50% interest. The creditor will
25 receive adequate protection payments of \$150.00 per month.

26 (4) Unsecured Priority Claims:

27 (a) Internal Revenue Service will be paid an unsecured priority claim of \$9,861.18
28 with no interest for tax year 2016.

(5) Executory Contracts: None.

1 (6) Surrendered Property: Upon confirmation of this plan or except as otherwise ordered
2 by the Court, bankruptcy stays are lifted as to collateral to be surrendered. Such
3 creditor shall receive no distribution until the creditor timely files a claim or an
4 amended proof of claim that reflects any deficiency balance on the claim. Assuming
5 the creditor has an allowed proof of claim, should the creditor fail to file an amended
6 claim consistent with this provision, the Trustee need not make any distributions to
7 that creditor. Debtors surrender the following property: None.

8 (7) Other Provisions. None

9 (8) Unsecured Non-Priority Claims. Claims allowance is determined by § 502 and the
10 Federal Rules of Bankruptcy Procedure. Allowed unsecured claims shall be paid pro
11 rata the balance of the payments under the Plan and any unsecured debt balance
12 remaining unpaid at the end of the Plan may be discharged as provided in 11 U.S.C.
13 § 1328.

14 **(D) EFFECTIVE DATE AND VESTING**. The effective date of the Plan shall be the date of
15 this Order. Property of the estate vests in Debtors upon confirmation, subject to the rights of
16 the Trustee to assert a claim to any additional property of the estate pursuant to 11 U.S. C. §
17 1306.

18 ORDER SIGNED ABOVE

1 Approved as to Form and Content By:


2
3
4
5
6 Edward J. Maney
7 Chapter 13 Trustee

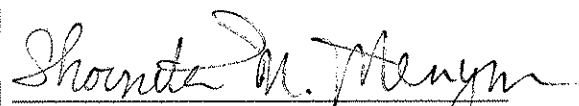
8
9
10
11 Kenneth L. Neeley
12 Attorney for the Debtors

13
14
15
16 Leonard J. McDonald
17 Attorney for U.S. Bank National Association
18
19
20
21
22
23
24
25
26
27
28

In re: Merryman
Case No.: 17-06478
Page 4 of 5

1 The Debtors certify: All required State and Federal income tax returns have been filed. No
2 domestic support obligation is owed, or, if owed, such payments are current since the filing of
3 the Petition.

4 
5 Michael L. Merryman
6 Debtor

7
8 
9 Shoenita M. Merryman
10 Debtor

11 NEELEY LAW FIRM PLLC
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In re: Merryman
Case No.: 17-06478
Page 5 of 5